

Burakovskaya

От:
Отправлено:
Кому:
Тема:

Burakovskaya [burakovskaya@yus.ru]
16 февраля 2007 г. 15:32
'vipwto@aol.com'
v-177

RECEIVED
CENTRAL FAX CENTER

FEB 16 2007



RESPONSE to Drawing.doc (2
off.action 2.doc (... M6aHr)

Re: US Application No.09/601,913

Based on PCT/RU99/00144

Dear Vladimir,

Attached please find the Applicant's response to the outstanding Official Action.
Please note that according to the client's instructions the copy of the response is
sent to the examiner directly by fax.

Truly yours,
Patent & Law Firm "YUS"
Larisa Burakovskaya
Foreign Affairs Adviser
Tel/Fax: (7) (495) 258 44 20/21/22

Attn.: MR. Alex P. Rada

fax: 571-272-4452
1 571 273 8300

As it has been clearly noted in the response of the Applicant to the previous communication from the Examiner, the patent by Kitazawa (JP 05-286500) is absolutely irrelevant to the games of chance, and consequently there are no even hints of features claimed in the claim 17 of the application. Nevertheless the Applicant sincerely respects all the notes and comments from the Examiner expressed in the last as well as in the previous communications. In responses to the notes of previous communications the Applicant have provided the Examiner with conclusive arguments supported by specific references to authoritative sources of information. In result the number of comments has been substantially reduced. In essence there are only two comments left. One of them is related to the format of the Drawing and the other to the alleged possibility for any educated human being experienced in the art and acquainted with the patent by Kitazawa to suggest a method similar to the method of the application. Following the comment of the Examiner, the Applicant has amended the Drawing without any argument. But in respect to the patent by Kitazawa the Applicant responses as following.

Actually the patent by Kitazawa describes only one of the great abundance of means designed throughout the world to register the space microparticles in the near Earth space. Majority of these means have developed a lot of years ago, what is witnessed by a great number of publications, including the official site of NASA, USA, in the internet. In is important to emphasize that in the course of the decades passed after the first publications about registration of space microparticles, there were absolutely no publications describing any proposal to use the space microparticles as game elements for any game, despite illustrious growth of gaming and space industries at the time. These decades compose a very long period, which decidedly excludes any probability for a method similar to the method of the application to be invented if it was such an easy affair. It is important to emphasize, that such a method, using the space microparticles as game elements, have not yet been invented both by gaming industry and by space industry, famous for their spirit of invention.

This fact undoubtedly witnesses about genuine originality of the proposal to use the space microparticles as game elements. Then, to form the method of the space game it is necessary to consider the abundance of options to define the game event using the space microparticles. Of course, it is logical to consider the existing methods of registration of space microarticles. There are a lot of such methods invented throughout the world and majority of them are widely published. Some of them are based on the radar systems installed on Earth and other are based on the means installed in space. The thorough analysis carried out by the Applicant have shown that for a successful space game it is much more preferable to choose the space option. It is a daring technical decision, but very important for games, because along with the great technical difficulties it determines the extremely high attraction for potential players.

Then, it is necessary to choose the option for the exact means for registration of gaming events as part of their definition. The thorough analysis carried out by the Applicant, have shown that for a successful space game it is necessary to register the space microparticles in result of their interaction with a number of gaming fields. It is not an obvious and simple decision because it is well known that not all the conventional games of chance use gaming fields. It is not so important on Earth. The other conditions exist in space, when game elements are chosen as space microparticles. The physically separated gaming fields make the process of registration of gaming events unambiguous, what is of extreme importance for space games. So introduction of the gaming fields is the genuinely original feature of the application, connecting conventional and space games of chance.

The abundance of decisions to be done for proper choices from numberless theoretical options to formulate the method of space game of the application surely excludes any possibility for an educated human being experienced in the art to formulate a similar method without thorough analyses carried out by the Applicant. Assertion that it is possible does not differ from assertion that any educated human being experienced in the art, who had happened to see a fall of an apple, had been able to formulate the law of gravity without thorough analyses carried out by Newton.

Specifically about the contraposed patent by Kitazawa (JP 05-286500) it is necessary to mention, that nevertheless it is actually dedicated to means for registration of the space microparticles, it is not able to compose a basis for a method similar to the method of the application and it is not able to be used in the method of the present application itself, even theoretically. This assertion follows from the clear fact that means for games of chance can not be chosen arbitrary. They have to satisfy the requirements determined by sense and spirit of games of chance. The device by Kitazawa obviously does not satisfy these requirements. To prove this point let us refer to the clause 3 in the last communication of the Examiner, where there are recited elements of the device by Kitazawa, which may allegedly be used for the following: a) for introduction of gaming fields; b) for definition of gaming events (by registration of collisions of space micro particles with alleged gaming fields); c) for assembling of alleged gaming information about gaming events to be transmitted from space to Earth. Actually all the recited elements can not be used for a space game thanks to its own substantial properties:

- Gaming fields of any game of chance are not allowed to change their gaming characteristics during a session of the game. The devise proposed by Kitazawa is based on the use of the elastic balloon filled with low pressure gas and provided with sensors to measure changes of tension in the material of balloon in result of collisions with the space microparticles. This balloon in principle is to change its shape in result of each collision. 80 this design does not allow even to suggest a possibility to

introduce any gaming fields in a form necessary for games of chance. Any fields, which may be introduced on the surface, as well as in the material of the balloon, can not be considered as gaming fields because they always will change their gaming characteristics in result of changes in the balloon's shape.

- Any event may be considered as gaming one only if it is possible to register such an event surely unambiguously. Means for registration must provide this absolute absence of ambiguity. The device proposed by Kitazawa is based on the use of sensors measuring changes of tension in the material of elastic balloon in result of collisions with the space micro particles. Requirement of elasticity does not allow to separate physically the body of the balloon into the alleged fields. 80 the measuring method by Kitazawa in principle is able to provide only approximate and clearly ambiguous information about location of alleged fields where collisions had happened.
- Information about gaming events must be fair and unambiguous. The device by Kitazawa in principle does not allow to suggest that it is possible to assemble information which may be used in a method similar to the method of present application to be transmitted from space to Earth.

There through, the abovementioned arguments fairly confirm the genuine originality of the method of space game of the application and clear impossibility to formulate such a method on a base of any existing method for registration of space microparticles without thorough analysis carried out by the Applicant. The device described in the contraposed patent by Kitazawa is dedicated to registration of the space microparticles only, without any hint of space games, and moreover, is the most inappropriate for any games, as well is absolutely unable to compose a base for development of a method for space game similar to the method of the present application.

According to the last edition of Claims sent to the examiner the elements' positions in brackets correspond to those on the corrected figure.

- 1 - game elements - meteorite particles and space waste
- 2 - a technical facility for registration of game events (sensors)
- 3 - a game event assessment means (game board)
- 4 - a telemetry channel

According to the abovementioned remarks the applicant respectfully asks to consider the updated application and to grant him a patent with the following wording of the Claim 17:

17. A device for playing a space game, comprising:

- game elements (1), namely meteorite particles and space waste, randomly moving in space outside the Earth;
- a game event assessment means (3) located on board a space vehicle and being the game fields;
- a technical facility (2) for registration of game events, defined as collisions of some game fields with randomly moving game elements (1), located on board a space vehicle and comprising the sensors;
- a telemetry channel (4) for transmitting the game event occurrence data from outside the Earth to the Earth to be consequently awarded to the players for use in a space game.